



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2011 Biennium

Bill #	HB0376	Title:	Alcohol/drug test for DUI as condition of probation or sentence
Primary Sponsor:	Taylor, Janna	Status:	As Introduced-Revised

- | | | |
|---|---|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input checked="" type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact:

The bill would no impact on the Department of Justice or the Judicial Branch. Passage of the bill would cause the Department of Transportation to transfer funding from the federal highway program to traffic safety related programs.

FISCAL ANALYSIS

Assumptions:

Department of Justice

1. The Montana Highway Patrol assumes 2,000 of the tests required under HB 376 would be done each year and that each instance would take an hour to complete. Therefore, an estimated 2,000 hours of patrolman time would be used to administer the tests.

Judicial Branch

2. This bill allows a court on a first or second conviction of an alcohol-related or drug-related traffic offense to sentence the offender to periodic testing for alcohol or drugs as an alternative to any other sentence.
3. Most first or second alcohol or drug related traffic offenses are handled in Courts of Limited Jurisdiction. Courts of Limited Jurisdiction are funded by local governments.
4. The costs of drug and alcohol testing are assumed to be covered by the offender or the law enforcement agency that administers the tests.

Department of Transportation

5. This legislation would put Montana out of compliance with federal requirements for repeat intoxicated drivers (Title 23 Section 164 (a)(5)) and Montana's federal highway program would be subject to penalty transfer of funds to 23 USC 402 in support of traffic safety related programs managed by MDT. According to the Federal law, "On October 1, 2002, and each October 1 thereafter, if a state has not enacted a repeat intoxicated law, the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State under each of 23 U.S.C 104(b)(1) National Highway System, (b)(3) Surface Transportation Program, and (b)(4) Interstate Maintenance".
6. Penalty transfer funds would be taken from Montana's federal highway construction program:
 - a. Reduction in federal Interstate Maintenance Appropriations in the amount of \$1,642,070
 - b. Reduction in federal National Highway System appropriations in the amount of \$2,196,329
 - c. Reduction in federal Surface Transportation Program appropriations in the amount of \$1,236,916
 - d. Increase to section 402 State community Highway Safety Grant programs in the amount of \$5,075,315
7. The total amount would be constant through FY 2013.

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
<u>Fiscal Impact:</u>				
Department of Transportation				
<u>Expenditures:</u>				
Operating Expenses	(\$5,075,315)	(\$5,075,315)	(\$5,075,315)	(\$5,075,315)
Grants	\$5,075,315	\$5,075,315	\$5,075,315	\$5,075,315
TOTAL Expenditures	\$0	\$0	\$0	\$0
<u>Funding of Expenditures:</u>				
Federal Special Revenue (03)	\$0	\$0	\$0	\$0
<u>Revenues:</u>				
Federal Special Revenue (03)	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
Federal Special Revenue (03)	\$0	\$0	\$0	\$0

Local Government Impact:

1. This legislation may impact the workload of Courts of Limited Jurisdiction, which are funded by local governments.
2. This legislation may have a fiscal impact on law enforcement agencies as a result of the costs of administering the drug and alcohol testing allowed by this bill.

*Sponsor's Initials*_____
*Date*_____
*Budget Director's Initials*_____
Date